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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN HUGHES,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

22-CV-5839 (VEC)

15-CR-0537 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 7, 2022, Movant John Hughes, an inmate at the Federal Correctional Complex – Allenwood, filed a motion to correct or reduce the terms of his prison sentence pursuant to 18 U.S.C. § 3585(b)(1)(2), Dkt. 1718;

WHEREAS a challenge to the execution of a prison sentence is properly brought as an application for writ of *habeas corpus* pursuant to 28 U.S.C. § 2241, *see Carmona v. United States Bureau of Prisons*, 243 F.3d 629, 632 (2d Cir. 2001);

WHEREAS a proceeding under § 2241 must be brought against the applicable United States Bureau of Prisons (“BOP”) warden in the district in which the inmate is currently incarcerated, *see United States v. Smalling*, 644 F. App’x 3, 5 (2d Cir. 2016);

WHEREAS “[i]n view of the various potential obstacles to relief on successive § 2241 petitions,” a district court must “give [movant] an opportunity to decline to have his [] motion converted into a § 2241 petition,” *Simon v. United States*, 359 F.3d 139, 145 (2d Cir. 2004);

WHEREAS on July 20, 2022, the Court ordered that it would recharacterize Mr. Hughes’ motion as a challenge to the execution of his sentence under § 2241 and transfer his case to the Middle District of Pennsylvania unless he objected by August 31, 2022, *see* Dkt. 1723; and

WHEREAS to-date, Mr. Hughes has not objected to converting his motion into a § 2241 petition and transferring the case to the Middle District of Pennsylvania.

IT IS HEREBY ORDERED the Clerk of Court is respectfully directed to convert Mr. Hughes' motion into a § 2241 petition writ of *habeas corpus* and to transfer this case to the Middle District of Pennsylvania.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to electronically notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York and for the Middle District of Pennsylvania that this Order has been issued. The Clerk is further directed to mail a copy of this Order to the pro se Movant and note the mailing on the docket.

SO ORDERED.

**Dated: September 29, 2022
New York, New York**



VALERIE CAPRONI
United States District Judge